

REMARKS/ARGUMENTS

The Office Action mailed April 23, 2004 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claims 1, 12-14 and 20-29 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, page 16, lines 3-9. The text of claims 2-10 and 15-19 is unchanged, but their meaning is changed because they depend from amended claims.

Claim 11 has been canceled, without prejudice or disclaimer of the subject matter contained therein.

New claims 30-36 also particularly point out and distinctly claim subject matter regarded as the invention.

The 35 U.S.C. § 102 Rejection

Claims 1 and 2 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Schloss et al.¹ This rejection is respectfully traversed.

¹ U.S. Patent 6,249,844

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.²

Claim 1 as amended includes the elements "determining if said event changes one of said page dependency data associated with said data page" and "updating the cache by refreshing or deleting said data page if said event changes one of the page dependency data associated with said data page". Neither of these two elements are contained in Schloss.

As stated in the Office Action regarding the §103 rejection of claim 11, Schloss does not teach either of these two elements.

Since Claim 1 contains elements previously described in claim 11, the Arlitt reference and its applicability to claim 1 will be discussed below with regard to the third §103 rejection.

As to dependent claim 2, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

² Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The First 35 U.S.C. § 103 Rejection

Claims 3-7 and 10 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schloss in view of Batchelder et al.³ This rejection is respectfully traversed.

Claims 3-7 and 10 are dependent on claim 1. Therefore, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Second 35 U.S.C. § 103 Rejection

Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schloss. This rejection is respectfully traversed.

Claims 8 and 9 are dependent on claim 1. Therefore, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Third 35 U.S.C. § 103 Rejection

Claims 11-13, 21-23 and 27-29 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schloss in view of Arlitt et al.⁴, among which claims 28 and 29 are independent claims. This rejection is respectfully traversed.

³ U.S. Patent 6,351,767

⁴ U.S., Patent 6,272,598

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.⁵

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in Schloss except that Schloss does not teach receiving an event, determining if said event changes one of said page dependency data associated with said data page, or updating the cache by refreshing or deleting said data page.⁶ The Office Action further contends that Arlitt teaches these elements and that it would be obvious to one having ordinary skill in the art at the time of the invention to incorporate Arlitt into Schloss in order to keep the cache loaded with the most current information. Applicant respectfully disagrees for the reasons set forth below.

Arlitt discloses evicting cached objects stored in the cache in accordance with a number of replacement strategies or policies (Col. 5, lines 35-39). However, claim 1 as amended includes the element "if said event changes one of said page dependency data associated with said data page". Neither Arlitt nor Schloss disclose tying the update of the cache to an event changing one of the page dependency data. In fact, Arlitt seems to specifically teach away from this, as Arlitt is directed towards determining which data to remove from a cache when it is full,

⁵ M.P.E.P. § 2143.

⁶ Office Action, pages 8-9

and not the update of the information itself when the information is known to have been modified.

In view of the foregoing, it is respectfully asserted that claims 12-13, 21-23 and 27-29 are now in condition for allowance. Additionally, claim 1 is also in condition for allowance over Schloss and Arlitt.

The Fourth 35 U.S.C. § 103 Rejection

Claims 14-20 and 26 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schloss in view of Arlitt, and in further view of Batchelder. This rejection is respectfully traversed.

Claims 14-20 and 26 are dependent on claim 1. Therefore, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Fifth 35 U.S.C. § 103 Rejection

Claims 24 and 25 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schloss in view of Arlitt, and in further view of Bourne et al⁷. This rejection is respectfully traversed.

⁷ U.S. Patent 6,584,548

Claims 24 and 25 are dependent on claim 1. Therefore, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP



Marc S. Hanish

Reg. No. 42,626

Dated: 6/21/04

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040